REMARKS

At the outset, the Applicants thank the Examiner for the thorough review and consideration of the pending application. The Office Action dated October 5, 2005 and the subsequent Office Action dated May 31, 2006, have been received and their contents carefully reviewed.

Claims 1 and 4 have been further amended to more clearly set forth the invention and claims 6-9 were newly added in the response filed March 3, 2006. Accordingly, claims 1–9 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

In the Office Action dated October 5, 2005, claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In the response filed March 3, 2006, claims 1-5 were amended to more clearly recite the invention. However, a response to the rejection of claims 4 and 5 was inadvertently absent from the response. Claims 1 and 4 have been further amended to provide a much clearer recitation of the invention in light of this rejection. For example, "consecutively" has been amended to now recite "the second and third detected laundry amounts" Applicants believe these amendments and remarks now overcome the 112 rejections of record and respectfully request all the rejections be withdrawn.

In the Official Action dated October 5, 2005, the Examiner rejected claims 1-5 under 35 U.S.C. §102(b) as being anticipated by *Harwood et al.* (U.S. Patent No. 5,768,728).

Applicants respectfully traverse the 35 U.S.C. §102(b) rejection and submits that it is inappropriate at least since *Harwood et al.* fails to disclose each and every feature, as recited in the claims.

For example, *Harwood et al.* fails to disclose, inter alia, "...comparing the detected first and second laundry amounts to determine a first differential; and determining a second water level by adjusting ~~a~~ the first water level and adjusting the first water level and first wash pattern based upon a detected third laundry amount, if the first differential is greater than a first predetermined value", as recited in the claims.

In contrast, *Harwood et al.* discloses that "the recorded peak velocity is compared to a predetermined threshold velocity" and that "if the overshoot velocity is found to be greater than the threshold velocity for the particular load in the particular size laundry washing machine then the present water level may be sufficient for the present load" (See *Harwood et al.*: column 7, lines 64-67 and column 8 lines 10-13). That is, *Harwood et al.* appears to compare "velocities" for a "particular load", but does not compare or otherwise rely on first and second laundry amounts.

Moreover, *Harwood et al.* does not, inter alia, "determining a second water level by adjusting ~~a~~ the first water level and adjusting the first water level and first wash pattern based upon a detected third laundry amount", as recited in the claims, at least since *Harwood et al.* does not detect first, second, and third laundry amounts. Rather, *Harwood et al.* "fills to the next water level" (element 26) according to stroke completion or accumulated values, which are based upon a limited difference between two velocities: an overshoot velocity and a threshold velocity.

Due to at least the shortcomings of *Harwood et al.*, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of claims 1-5.

Furthermore, Applicant submits that new claims 6-9 are believed to be allowable for at least the combination of features recited therein.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of tim e, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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